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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,141	09/07/1999	JONATHAN FOOTE	FXPL-01002US	8130

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EXAMINER

WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/391,141

Applicant(s)

FOOTE ET AL.

Examiner

Jason T. Whipkey

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

- ✓ 1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: ✓ 545 (Figure 5A), ✓ 655 (Figure 6A), ✓ 950A (Figure 9), ✓ 950B (Figure 9), ✓ 952 (Figure 9), ✓ 954 (Figure 9), ✓ 960 (Figure 9), and ✓ 965 (Figure 9). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference signs in the description is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
- X 2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign "600" mentioned on line 5 of page 21 of the description. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

- ✓ 4. The disclosure is objected to because U.S. Patent Application Serial No. 09/152,677, which is identified on line 16 of page 24, has issued as U.S. Patent No. 6,195,093. Applicant is required to amend the specification to include the patent number.
- ✓ 5. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

- ✓ 6. Claims 3 and 12 are objected to as failing to comply with 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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✓ Claim 3 recites the limitation "said step of displaying" on line 2. The antecedent of this limitation in the claim is ambiguous, as it is unclear whether the step refers to the step of "displaying a representation" or "displaying at least one drag and drop icon", as recited in claim 1.

✓ Regarding claim 12, the limitation recited on lines 5-7 is grammatically unclear.

✓ 7. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, amend the claim to place it in proper dependent form, or rewrite the claim in independent form.

Claim 15 recites the limitation, "a detection mechanism configured to detect an object placed on said control display panel" and "a camera control device" using "said object". Claim 15 clearly requires "an object for placement on said control display panel" in order to define what qualifies as a camera control device. Ergo, claim 16 is redundant.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 7, 9, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓10. The term "frame-like" in claim 7 is a relative term that renders the claim indefinite. The term "frame-like" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In interpreting the claim, one cannot be certain how closely a boundary marker (other than a frame) must resemble a frame to satisfy the limitation.

See MPEP § 2173.05(b).

✓11. Regarding claim 9, the phrase "and other effects" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by "and other effects"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

✓12. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, with such omission amounting to a gap between the steps. See MPEP § 2172.01.

The limitation recited on lines 5-6 is apparently missing a verb after "the step of", rendering the limitation meaningless.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato (U.S. Patent No. 6,452,628).

Regarding claim 1, Kato discloses a camera control and display device, as shown in Figure 1. Display unit 22 displays an image of a scene captured by video camera 10 (column 5, lines 9-10). Rectangular frame 44 ("drag and drop icon") is displayed on display unit 22 (column 6, lines 5-11). Panning, tilting, and zooming of the camera image is controlled based on the position of frame 44 (column 7, lines 1-7).

Regarding claim 2, camera 10 is controlled based on the location of frame 44, including any zooming requested (column 7, lines 8-10). The image in frame 44 is shown in full motion on display 22, while the surrounding image is a previously captured still image (column 9, lines 28-37 and 44-56). Based on the location of frame 44, these two images are combined to produce a "synthetic" image (column 9, lines 41-46).

Regarding claim 3, the image in frame 44 is shown in full motion on display 22, while the surrounding image is a previously captured still image (column 9, lines 28-37

and 44-56). Based on the location of frame 44, these two images are combined to produce a “synthetic” image (column 9, lines 41-46).

Regarding claim 4, Kato shows in Figure 17 that his system may include video camera 104 and still image camera 112. As described above, rectangular frame 44 is displayed on display unit 22. In this embodiment, frame 44 represents video camera 104.

Regarding claim 5, Kato teaches that zooming may be controlled by enlarging and reducing frame 44 (column 7, lines 5-7).

Regarding claim 6, Kato teaches that the aspect ratio of frame 44 is maintained as the user resizes it (column 7, lines 43-53).

As for claim 7, Kato teaches that a rectangular frame 44 is used (column 6, lines 5-11).

Regarding claims 8 and 9, Kato shows in Figure 2 that frame 44 has a handle and a center portion — i.e., the area in the center of the frame. Adjusting the size of the frame causes camera 10 to adjust the zoom value (“a parameter”) accordingly (column 7, lines 43-53).

Regarding claim 10, Kato teaches that the camera may be panned as the user moves frame 44 (column 7, lines 10-15).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Yamamoto (U.S. Patent No. 5,504,520).

Regarding claim 11, Kato discloses a camera control and display device, as shown in Figure 1. Display unit 22 displays an image of a scene captured by video camera 10 (column 5, lines 9-10). Rectangular frame 44 ("drag and drop icon") is displayed on display unit 22 (column 6, lines 5-11). The image in frame 44 is shown in

full motion on display 22, while the surrounding image is a previously captured still image (column 9, lines 28-37 and 44-56).

Kato teaches that a pointing device such as a mouse is used to control frame 44 (column 6, lines 3-6). However, Kato is silent with regard to using a pen-based device to select an area on a screen.

Yamamoto discloses the television camera control system shown in Figure 3. A user may draw on monitor 1 with light pen 6 to designate an area of an image captured by camera 2 (column 6, lines 25-30).

An advantage to using a light pen is that, unlike a mouse, a flat surface is not necessary for its operation, which makes the system more portable. For this reason, it would have been obvious at the time of invention to have Kato's camera use a light pen to designate an image area, as described by Yamamoto.

Regarding claim 12, Kato shows in Figure 17 that his system may include video camera 104 and still image camera 112. The image in frame 44 is shown in full motion on display 22, while the surrounding image is a previously captured still image (column 9, lines 28-37 and 44-56). Based on the location of frame 44, these two images are combined to produce a "synthetic" image (column 9, lines 41-46).

Regarding claims 13 and 14, Kato teaches that zooming may be controlled by enlarging and reducing frame 44 (column 7, lines 5-7). It is inherent that if frame adjustment causes the camera to zoom, the system detects the size and shape of the frame in order to implement the zoom.

Regarding claims 15-17, Kato discloses a camera control and display device, as shown in Figure 1. Display unit 22 displays an image of a scene captured by video camera 10 (column 5, lines 9-10). Rectangular frame 44 ("drag and drop icon") is displayed on display unit 22 (column 6, lines 5-11). The image in frame 44 is shown in full motion on display 22, while the surrounding image is a previously captured still image (column 9, lines 28-37 and 44-56).

Kato teaches that a pointing device such as a mouse is used to control frame 44 (column 6, lines 3-6). However, Kato is silent with regard to using a pen-based device to select an area on a screen.

Yamamoto discloses the television camera control system shown in Figure 3. A user may draw on monitor 1 with light pen 6 to designate an area of an image captured by camera 2 (column 6, lines 25-30).

An advantage to using a light pen is that, unlike a mouse, a flat surface is not necessary for its operation, which makes the system more portable. For this reason, it would have been obvious at the time of invention to have Kato's camera use a light pen to designate an image area, as described by Yamamoto.

Regarding claim 18, the image in frame 44 is shown in full motion on display 22, while the surrounding image is a previously captured still image of the larger scene (column 9, lines 28-37 and 44-56).

18. Claims 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Fitzmaurice.

Regarding claim 11, Kato discloses a camera control and display device, as shown in Figure 1. Display unit 22 displays an image of a scene captured by video camera 10 (column 5, lines 9-10). Rectangular frame 44 ("drag and drop icon") is displayed on display unit 22 (column 6, lines 5-11). The image in frame 44 is shown in full motion on display 22, while the surrounding image is a previously captured still image (column 9, lines 28-37 and 44-56).

Kato teaches that a pointing device such as a mouse is used to control frame 44 (column 6, lines 3-6). However, Kato is silent with regard to detecting the location of an object placed directly on the display.

Fitzmaurice discloses a user interface for a computer based on object manipulation on a screen. As shown in figures 1-6, the manipulation of the object may be used to designate an area.

Fitzmaurice shows an embodiment of this system in Figure 8, wherein an image is projected on a desk from under the desk. The desk allows a user to manipulate objects and have their positions sensed by a computer.

As stated at the bottom of page 443 and the top of page 44, an advantage to using objects placed on a screen to designate an area is that a tilted area may be designated, as opposed to the x-y points produced by a mouse, which gives the user more flexibility. For this reason, it would have been obvious at the time of invention to have Kato's camera use a light pen to designate an image area, as described by Fitzmaurice.

Regarding claim 19, Fitzmaurice teaches that, as stated on lines 20-22 of the second column of page 447, objects of varying size and shape may be detected.

Regarding claim 20, Kato teaches that zooming may be controlled by changing the size of frame 44 (column 7, lines 5-7).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason T. Whipkey, whose telephone number is (703) 305-1819. The examiner can normally be reached Monday through Friday from 9 A.M. to 6:30 P.M. eastern daylight time, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber, can be reached on (703) 305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communication and (703) 872-9315 for After Final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (703) 306-0377.

Response to this action should be mailed to:

Application/Control Number: 09/391,141
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or faxed to the appropriate number above for communications intended for entry. (For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**".)

Hand-delivered responses should be brought to the sixth floor receptionist of Crystal Park II, 2121 Crystal Drive in Arlington, Virginia.

JTW
JTW
June 27, 2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600